

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<input type="text" value="07-Aug-07"/>	APPL. S. N:	<input type="text" value="10099784"/>
To Examiner:	<input type="text" value="DEANE, WILLIAM"/>	Art Unit	<input type="text" value="2614"/>
From	<input type="text" value="Logan, Rugenia"/> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<input type="text" value="JEF-2D68"/>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)	Conf. No.:	4868
Anthony J. Dezonno et al.)		
)	Examiner:	Deane Jr., William J.
Serial No.:)		
10/099,784)	Art Unit:	2614
)		
Filed:)		
March 15, 2002)		
)		
For:)		
TRANSACTION OUTCOME)		
STATE MAPPING)		
)		
Attorney Docket No.:)		
6065/85068)		

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.32(b)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-0001

In response to an Office Action dated February 20, 2007, applicant, through their attorneys, submit the subject Terminal Disclaimer Under 37 C.F.R. §1.321(b). Applicant and assignee note the Examiner's statement that a timely filed terminal disclaimer may overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. The undersigned attorney submits on behalf of applicants, Anthony J. Dezonno, Jeff Hodson, Roger Summer, Mark Power, Carlo Bonifazi, Craig Schambaugh, Mark Michelson, and Robert Beckstrom, and assignee, Aspect Software, Inc., a terminal disclaimer showing common ownership of the subject patent application and copending U.S. Patent Application No. 10/651,329.

On behalf of applicant and assignee, the undersigned attorney represents that assignee owns the entire right, title and interest in the subject matter disclosed in the above-identified

patent application. Applicant's attorney also represents that assignee owns the entire right, title and interest in the subject matter disclosed in U.S. Patent Application No. 10/651,329.

Applicant and assignee hereby disclaim the terminal part of any patent granted on the above-identified patent application which would extend beyond the expiration date of any patent granted on commonly owned U.S. Patent Application No. 10/651,329.

Applicant and assignee acknowledge that any patent granted on the subject application shall be enforceable only for and during such period that said patent application is commonly owned with any patent granted on the commonly owned U.S. Patent Application No. 10/651,329.

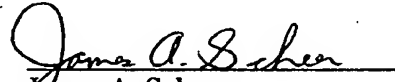
Applicant and assignee do not disclaim any terminal part of any patent granted on the above-identified patent application prior to the expiration date of the full term of any patent granted on U.S. Patent Application No. 10/651,329 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.32(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

Applicant and assignee acknowledge that any patent granted on subject patent application Serial No. 10/648,923 or any patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent Application No. 10/651,329 and any patent granted thereon which formed the basis for the rejection.

Payment in the amount of \$130.00 as the disclaimer fee pursuant to 37 C.F.R. §1.20(d)
has been submitted herewith.

The Commissioner is hereby authorized to charge any deficiency in the required fee or to
credit any overpayment to Deposit Account No. 23-0920.

Respectfully submitted,


James A. Scheer
Reg. No. 29,434

Dated: August 2, 2007

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